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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM
OF DETENTION OR IMPRISONMENT: TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. P. Kooijmans, pursuant to
Commission on Human Rights resolution 1990/34

confirmed those findings but did not order the State to pay compensation and failed to take steps to prosecute the guilty police officers. The court left it to the accused persons "to move the appropriate civil or criminal courts for suitable action including compensation and criminal prosecution". Another suspect, Jaggu Lakishman Chavan, who also belongs to the Pardhi tribe, was arrested in Bombay on 14 February 1989 and died on 3 March 1989 in the Panvel municipal hospital, while still in police custody, allegedly as a result of injuries received under torture. According to the police Chavan died of an "unidentified illness". But the 19 men arrested in the same case claimed that he died as a result of severe police beatings, and some said they were present when he was being tortured. But two doctors who carried out a post-mortem examination said they did not find injuries on the body, although one of them said he found the right hand to be bent. It was further reported that Kuljit Singh Dhatt, from the village of Ambala Jattan, Hoshiapur District, was arrested (on an unspecified date, probably in the second half of 1989), from the home of Reeve Gurmail Singh in the village of Garrhi. It was alleged that Kuljit Singh was taken to the Tanda Police Station where he was tortured with an electromagnetic device known as garari. The device was allegedly applied to his genitals by a Police Superintendent whose name was transmitted to the Government, while other police constables were holding him. Kuljit Singh reportedly died of a heart failure, allegedly as a result of the prolonged torture to which he was subjected.

Indonesia

Urgent appeals and Government replies

79. On 2 May 1990 the Special Rapporteur sent an urgent appeal to the Government of Indonesia concerning three East Timorese students: Fernad Trindade, aged 17, Mario Trindade, aged 22, and Felizberto Mascarenhas, aged 23, who were reportedly arrested by military police on 26 April 1990 in Denpasar, Bali, and were allegedly subjected to torture.

80. On 1 June 1990 the Indonesian Government provided more details on the circumstances of the arrest of the three aforementioned students, which reportedly followed a fight with a West Timorese student. The three students were released on 1 May 1990. It was affirmed that they had not been subjected to torture or ill-treatment at any stage of the proceedings.

81. On 16 October 1990 the Special Rapporteur sent an urgent appeal to the Government of Indonesia concerning Aleixo Laga, aged 22, a pupil at Sao Jose Externato School in Dili, East Timor, who was arrested in that town on 11 September 1990. It was alleged that on the day of his arrest he was taken to the Dili Police Office and kept in a water tank, and that since then he has been subjected almost daily to torture. It was reported that his family had recently been given permission to visit him and that they found him weak from lack of food, and his face swollen and covered with cuts and bruises. Fears were expressed that he may not be able to survive if torture and maltreatment did not stop.

82. On 20 November 1990 the Government of Indonesia informed the Special Rapporteur that Aleixo Laga was released after being questioned, on condition that he reported regularly to the authorities, but he had never done so and since his release his whereabouts had not been known. During the proceedings

of the questioning the authorities did not use torture nor other forms of ill-treatment. The allegation that he has been subjected to daily torture was therefore unfounded. With regard to the other East Timorese pupils allegedly arrested following a demonstration in Dili on 4 September 1990, it was affirmed that not a single person was arrested or subjected to torture by the security authorities. A number of persons were indeed questioned for partaking in the demonstration, but they were subsequently released as there was no sound reason for the authorities to detain them.

Letters and Government replies

83. On 24 July 1990 the Indonesian Government sent a letter to the Special Rapporteur in reply to his communication of 14 November 1989 (see E/CN.4/1990/17, para. 89) concerning several East Timorese people. It was affirmed that several people had been questioned in connection with "a conspiracy to entice security disturbances" during the President's visit to East Timor in November 1988. Following further investigation only two persons, Filomeno Gomes and Anacias Fuca do Carmo, were put on trial and were given prison sentences of seven and six months, respectively. It was further affirmed that throughout the investigation, their right to physical and mental integrity was protected and the proceedings were in strict compliance with Indonesian laws and legal procedures. With regard to the use of torture and other forms of ill-treatment in the interrogation of suspects which is often alleged as being practised by Indonesian security personnel, the Government stated that such treatment is contrary to the State Philosophy, to the basic values of the Indonesian people and to existing legislation and regulations. Any failure to comply with these regulations is subject to disciplinary action.

84. On 6 June 1990 the Special Rapporteur addressed a letter to the Government of Indonesia transmitting information alleging that a large number of Sumatran civilians, described as sympathizers of a so-called Aceh/Sumatra National Liberation Front, were detained during 1989 and allegedly subjected to torture. Most of those arrested were said to be farmers, businessmen and students, principally from villages near the city of Lhok Senmawe, Pase Province. The Lhok Senmawe gaol and Lammenlo gaol were the two prisons where most of those arrested were alleged to be tortured. It was alleged that Indonesian security forces or police were responsible for the arrests and torture. A list of 24 persons, including women, who were allegedly tortured in detention, was transmitted to the Government.

85. On 24 July 1990 the Government replied by affirming that the allegations were totally groundless, and by describing the organization which made them as "a foreign based/sponsored group intent on disintegrating the national unity and territorial integrity of Indonesia". The Government also provided information pertaining to the situation in the province of Aceh, where several security personnel and civilians were recently killed as a result of activity by armed groups. During operations undertaken by the authorities to restore order in the province, a man named Yusuf Ab, believed to be a band leader, was killed in a shoot-out on 1 July 1990, as he defied arrest, and other suspects were arrested. "Since those arrested are involved in criminal activities and have no connection whatsoever with membership of nor are they sympathizers of the so-called Aceh/Sumatra National Liberation Front which is non-existent, the list of cases and persons submitted in the communication cannot be taken seriously. However, a serious investigation is being conducted by the relevant authorities, and due process of law will continue to be strictly observed".

86. On 14 August 1990 the Government provided additional information according to which, of the list of names submitted to the Government, only one could be identified: that of Bukhari Abdul Rahman, aged 26. The man was at present in police custody for interrogation regarding his supposed involvement in "the recent criminal activities". "The allegation that he was tortured in gaol is clearly unfounded. As to the remaining names on the list, none of them appears to correspond to any known individual".

Iran, Islamic Republic of

Urgent appeals

87. On 20 July 1990 the Special Rapporteur sent an urgent appeal to the Government of the Islamic Republic of Iran concerning Mohammad Hossein Bani Assadi, Reza Sadr, Nour Ali Tabandeh, Abol Fazl Mir Shams Shahshahani, Akbar Zarinehbaf, Abdolali Bazargan, Yadollah Roshan-Ardalan, Rahim Abedi, Habidollah Davaran, Amir Tavakol Ebrahimi, Abbas Ghaem Al Sabahi, Mahmoud Naimpoor, Ezatollah Sahabi, Farhad Behbehani, Ali Ardalan, Mohammad Tavassoli Hojati, Hashem Sabbaghian, Khosrow Mansourian, Mahmoud Maleki, Hormoz Momaiezi, Mezameddin Movahed and Hossein Shah Hosseini. The above-mentioned persons, many of whom were ministers or associates of former Prime Minister Mehdi Bazargan, were reportedly arrested on or after 12 June 1990, and are believed to be detained incommunicado in Evin prison. It was reported that some of those arrested are elderly or in ill health. One of them, Ali Ardalan, reportedly suffers from cardiac problems. It was further alleged that some of them were beaten while being arrested, and fears have been expressed that they may be subjected to torture or ill-treatment while in detention.

Iraq

Urgent appeals and Government replies

88. On 11 September 1990 the Special Rapporteur sent an urgent appeal to the Government of Iraq concerning the following persons: Haidar Ashkanani, aged 24, Muhammed Kadhim, aged 26, Ali Kadhim, aged 22, Abd Al-Muhsin Kadhim, aged 18, Jawad Al Qallaf, aged 19 and Muhammad Ibrahim, aged 18. These persons, all of whom Kuwaiti nationals, were reportedly arrested by Iraqi forces on 3 August 1990, after participating in a peaceful demonstration in the Sulaibikhat district of Kuwait city. They are believed to have subsequently been taken to Baghdad and to be currently detained incommunicado and without legal protection, and fears have been expressed that they, as well as other persons detained in similar circumstances may be subjected to torture or ill-treatment while they are interrogated.

89. On 1 November 1990 the Government informed the Special Rapporteur that there was no truth to the allegations contained in the above-mentioned appeal.

Israel

Urgent appeals

90. On 11 October 1990 the Special Rapporteur sent an urgent appeal to the Government of Israel concerning 'Abd Al-Ra'uf Ghabin, aged 32, who was reportedly arrested on 30 August 1990 in the Beach Refugee Camp in the